

### TOWN OF GRAFTON ZONING BOARD OF APPEALS TOWN OF GRAFTON ZONING BUAKD OF APPEALS DECISION ON REQUEST FOR PROJECT CHANGE OF 2020 MDV 24 PM 3: 19 COMPREHENSIVE PERMIT PURSUANT TO G.L. c. 40B

Applicant:

Fisherville Terrace, LLC

Project Location:

119 South Main Street, Grafton Assessor's Map 114, Parcel 150

#### The Project

The original project consisted of 72 condominium units, including 18 units (25 percent) meeting the definition of low- and moderate-income housing within the meaning of G.L. c. 40B, § 20 located on parcel of land of approximately 25 acres at 119 Main Street, Grafton, Massachusetts and known as Assessors Map 114, Parcel 150 (the "Original Project" and "Site"). The Original Project was issued a Comprehensive Permit under G.L. c. 40B, §§ 20-23, by the Grafton Zoning Board of Appeals ("Board") on November 24, 2010, and recorded at the Worcester South District Registry of Deeds in Book 57300, Page 160 (the "Original Decision").

#### The Notice of Project Change

On or about August 17, 2020, the Applicant, Fisherville Terrace, LLC ("Applicant"), filed a letter with the Board requesting approval of modifications to the Original Project's site plans, through an amendment to the Comprehensive Permit. As described by the application, the Applicant proposes to reduce the number of residential buildings from 57 to 50, all of which will "duplex" structures, each containing two condominium units, for a total of 100 condominium units (the "Revised Project").

The proposed Revised Project is depicted on the following plans:

- A. A set of site civil plans entitled "Fisherville Terrace," prepared by Turningpoint Engineering, Inc., Milford, MA, dated August 21, 2020, containing the following plan sheets:
  - C-3.1 Layout and Materials
  - C-3.2 Layout and Materials
  - C-3.3 Layout and Materials
  - C-5.1 Grading and Drainage
  - C-5.2 Grading and Drainage
  - C-5.3 Grading and Drainage
- A set of architectural plans entitled "Fisherville Terrace," prepared by Winslow Architects, Inc., dated June 4, 2020, containing the following sheets"
  - 1. Downhill Unit A

- 2. Downhill Unit B
- 3. Uphill Unit C
- 4. Uphill Unit D
- 5. Typical Site Section
- 6. Perspective A & B
- 7. Perspective C & D

Collectively, the site civil and the architectural plans are referred to as the "Revised Plans."

Because the proposed changes would increase the density of the Project from 72 units to 100 units, the Board determined pursuant to 760 CMR 56.05(11) that the changes are "substantial," and therefore conducted a duly-noticed and advertised public hearing on October 22, 2020 and November 12, 2020. At the hearing, the Applicant's engineer described the proposed design changes. The Board's consulting peer review engineer, Jeffrey Walsh of Graves Engineering, Inc., provided his opinion on the Revised Project's conformity with generally-accepted civil design standards and state stormwater management regulations and guidelines. Mr. Walsh submitted a comment letter to the Board dated September 24, 2020, and November 10, 2020.

The Board received comments from the Department of Public Works, Police Department, Health Department, School Department, and the South Grafton Water District.

The Applicant filed a Traffic Impact and Access Study on October 20, 2020, and a plan entitled "Intersection Sight Distance Analysis," dated "October, 2020," and received by the Board on November 9, 2020. The Applicant also submitted a bound document entitled "Stormwater Management Report for "Fisherville Terrace" dated August 21, 2020, prepared by Turningpoint Engineering for Fisherville Terrace, LLC.

#### The Board's Findings

The Board makes the following findings:

- 1. The total impervious areas on the Project Site will increase from 5.9 acres to 6.5 acres, however there are no material changes to the layout of the roadway or the Project's utilities.
- 2. The Board's consulting engineer has reviewed the proposed drainage plans and calculations and finds them to be in order. With minor adjustments, the Revised Project is capable of conforming to the state's stormwater management standards.
- 3. The Applicant has not requested any changes to the 20 pages of conditions the Board imposed in its Original Decision in 2010, and has not requested any additional waivers from local bylaws and regulations. Therefore, the Revised Project must comply with all of the conditions imposed in 2010, and will be subject to the Board's 2010 waiver decisions. Among those conditions is a requirement that the Applicant submit final engineered plans and

calculations for the roadway, drainage utilities and related infrastructure for review by the Board's consulting engineer before the commencement of "Construction Activities."

- 4. The Town of Grafton is expected to begin a large public works project reconstructing and improving Main Street, including the section in front of the Site, by the summer of 2021 (the "Main Street Reconstruction Project"). The DPW Director has advised that the off-site drainage improvements that the Board required as conditions to its 2010 comprehensive permit must be completed before the start of the Main Street Reconstruction Project.
- 5. On the plans approved in the Original Decision, the land inside the small loop road was designated as recreation space for the project's residents. In the Revised Plan, this land is designated as an "infiltration basin." A replacement recreation area is provided in the southwest corner of the Site.

#### **Decision and Conditions**

The Board approves the changes to the Project and amends its Original Decision as follows:

1. Condition A.10 is amended by striking the first paragraph and replacing it with the following:

This Decision permits the construction, use and occupancy of no more than 100 housing units in 50 buildings on the Site. The construction and use of the Site shall be in conformity with the Revised Plans.

2. Condition B.1(h) is amended by striking the existing language and replacing it with the following:

Received final approval from MassHousing under the New England Fund or Housing Starts Program and submitted evidence of the execution and recording of the Regulatory Agreement required by Mass Housing under either the New England Fund Program or the Housing Starts Program, provided however that the Applicant may proceed with the off-site mitigation required under Condition J.1 as soon as this modification decision becomes final (following the 20-day appeal period) and is recorded at the Registry of Deeds.

- 3. Condition C.23 is amended by replacing the reference to "station 24+40" with "station 24+75."
- 4. Condition D.4 is amended by striking the first paragraph of Condition D.4.
- 5. Condition J.1 shall be amended by changing the deadline for completion of the off-site drainage improvements from "prior to the issuance of the second building

permit," to "prior to the commencement of, or concurrent with, the Main Street Reconstruction Project." Further, the following sentence is added: "The Applicant shall create stubbed tie-ins for water, sewer and gas utilities on the Site prior to the commencement of, or concurrent with, the Main Street Reconstruction Project."

#### 6. A new Condition E.6 is added as follows:

No portion of the Site shall ever be used as vehicular access to any other land. The roadway shown on the Revised Plans shall never serve any uses other than the 100 housing units shown on the Revised Plan and any uses accessory thereto.

#### 7. A new Condition E.7 is added as follows:

The operation and maintenance of common facilities associated with the Project shall be the responsibility initially of the Applicant and then the unit owners in the form of a condominium ("Condo Trust"). The Applicant shall establish a Condo Trust pursuant to G.L. c. 183A, to maintain and repair all common areas, including but not limited to the roads, stormwater management system, landscaping and recreational areas, and other improvements within the Site. The Condo Trust shall adopt rules and regulations consistent with this Decision and a copy shall be provided to the Board and Town Counsel for review prior to the issuance of any occupancy permit as described below. At a minimum, the Condo Trust's Master Deed and rules and regulations shall provide for the following:

- A. Vehicle parking within the Site shall be limited to marked parking spaces only. "No Parking" signs shall be installed and maintained throughout the Site so as to prevent parking outside of designated parking spaces.
- B. The Condo Trust shall be responsible for enforcing parking rules and shall fine units and unit owners for any violation of parking rules and regulations adopted by the condominium trust from time to time.
- C. The Condo Trust shall be responsible for snow storage and disposal of snowfall that exceeds the capacity of the designated snow storage areas in the common Condominium areas.

#### 8. A new Condition C.28 is added as follows:

The final engineered plans that are submitted in accordance with Condition A.1 shall contain a detail for one or more street lamp posts to be installed at the Project's intersection at Main Street, per the recommendation of the Police Chief, in order to illuminate the intersection. The lamp posts shall be installed within the Main Street right of way and connected to the municipal street light grid only if allowed by the DPW Director, and if allowed, the location, design and

specifications shall be subject to the DPW Director's approval. If locating the lamp posts in the right of way is not allowed, they shall be installed on the Site. The design, specifications and location of the lamp posts on the Site shall be subject to the approval by the Board's consulting engineer, and shall be perpetually maintained and paid for by the successor Condo Trust. The Applicant shall coordinate with the Massachusetts Department of Transportation to ensure that any street trees of other improvements installed in the Main Street right-of-way as part of the Main Street Reconstruction Project do not interfere with the Revised Project's intersection sight distances.

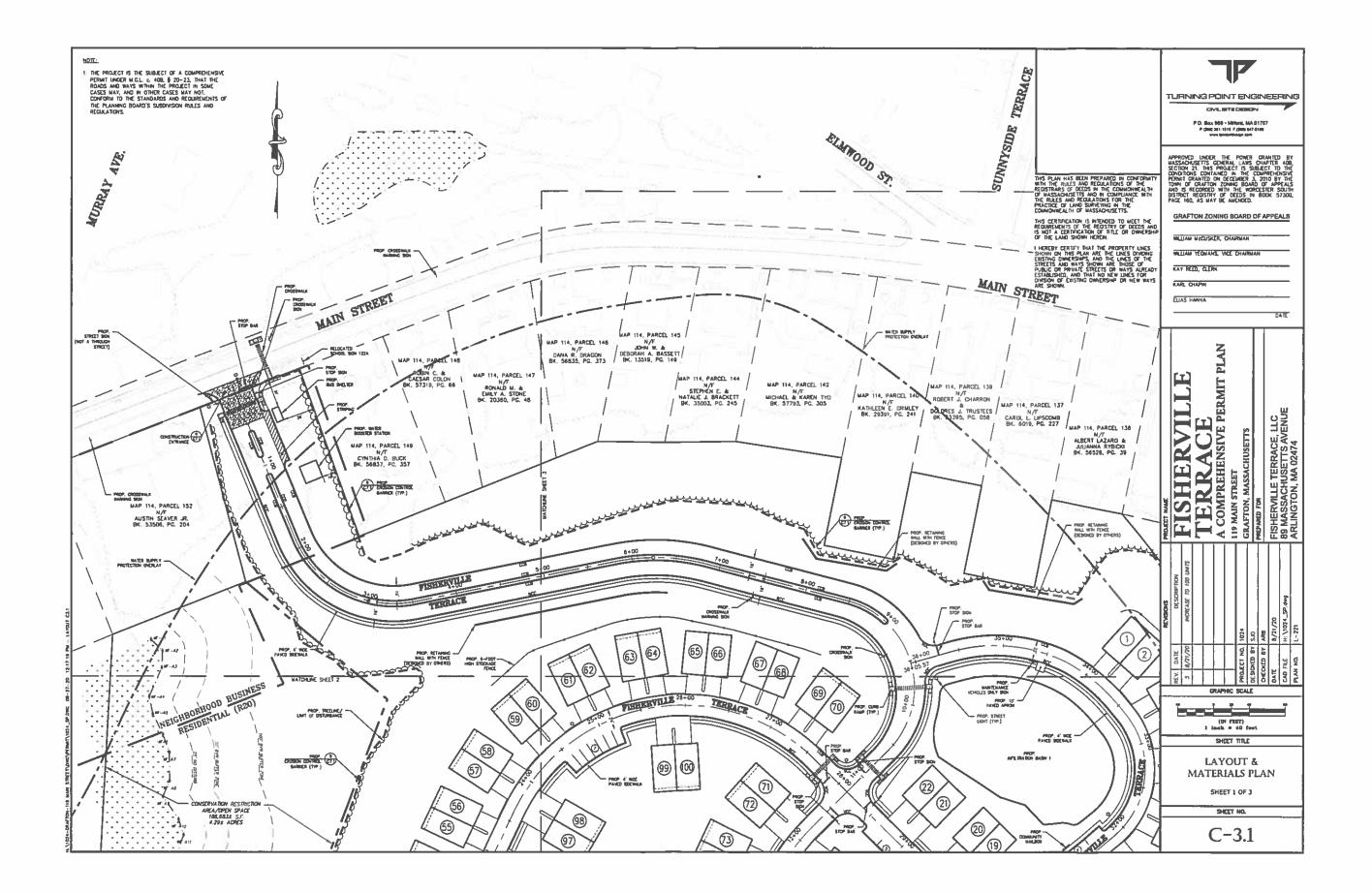
#### 9. A new Condition F.9 is added as follows:

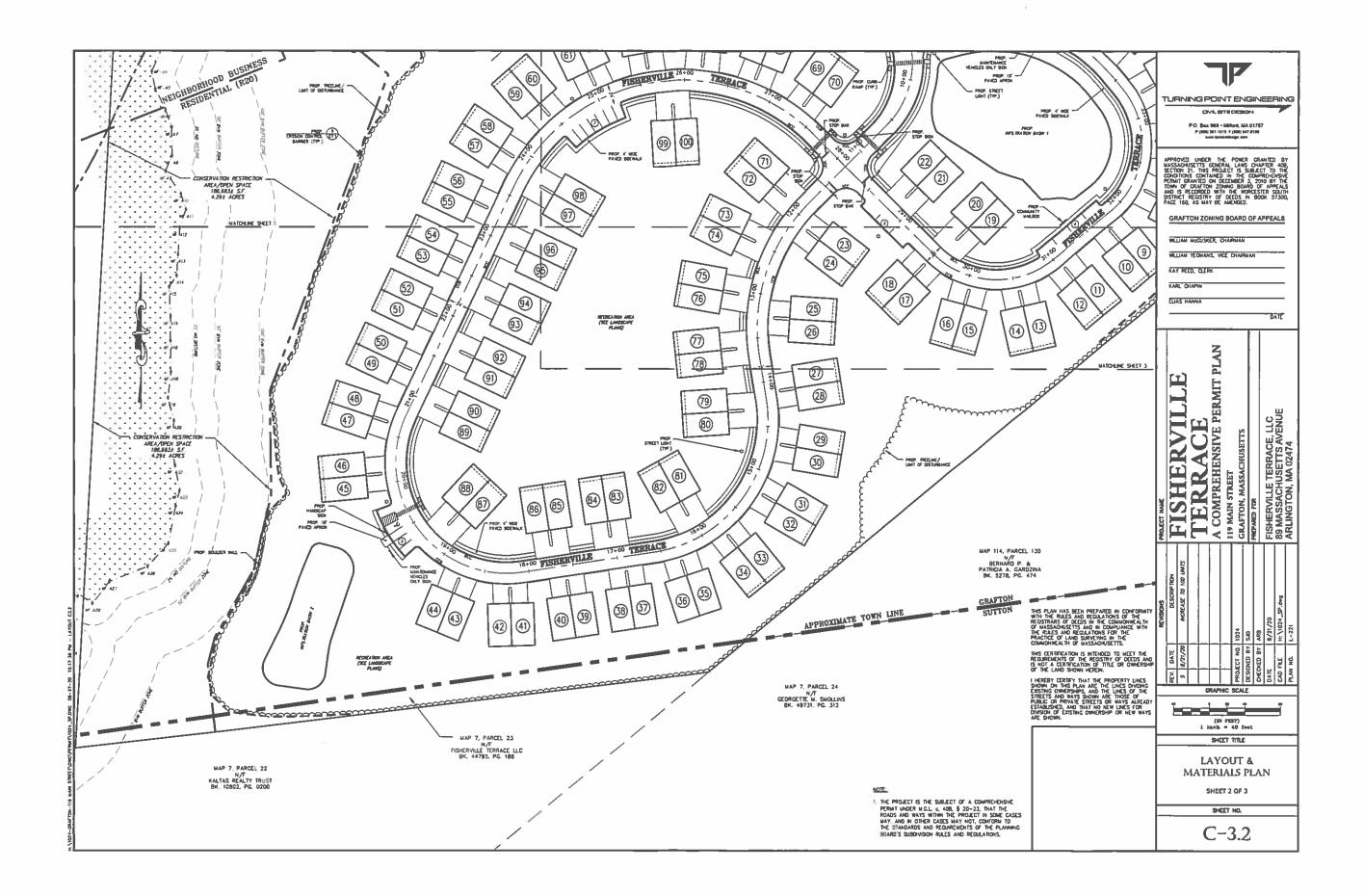
Domestic water pressure and fire flow shall comply with the South Grafton Water District and Grafton Fire Department specifications. The design and construction of the proposed booster station shall conform to the South Grafton Water District's specification.

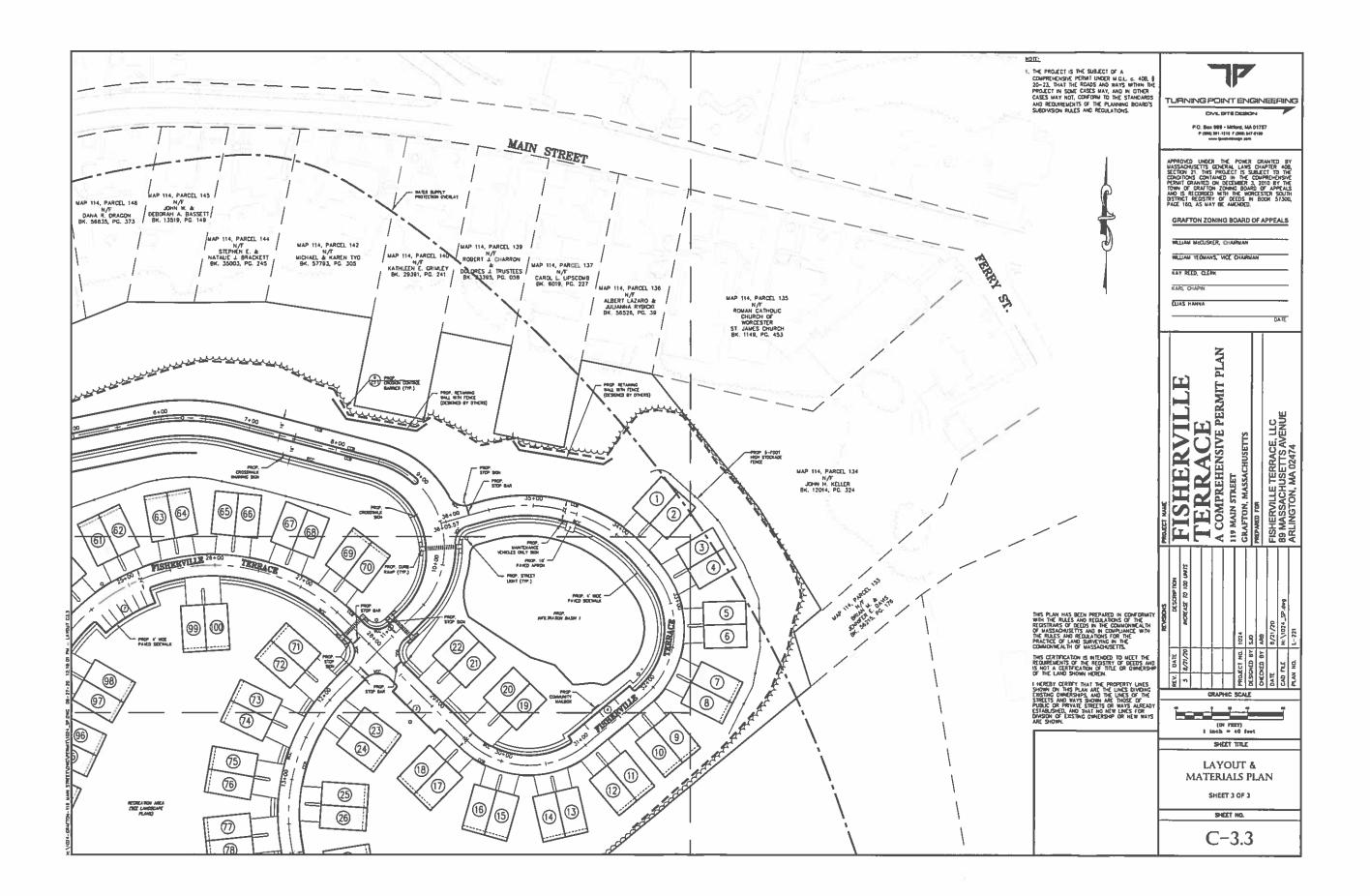
The Revised Project shall comply with all other conditions and waiver decisions contained in the Original Decision.

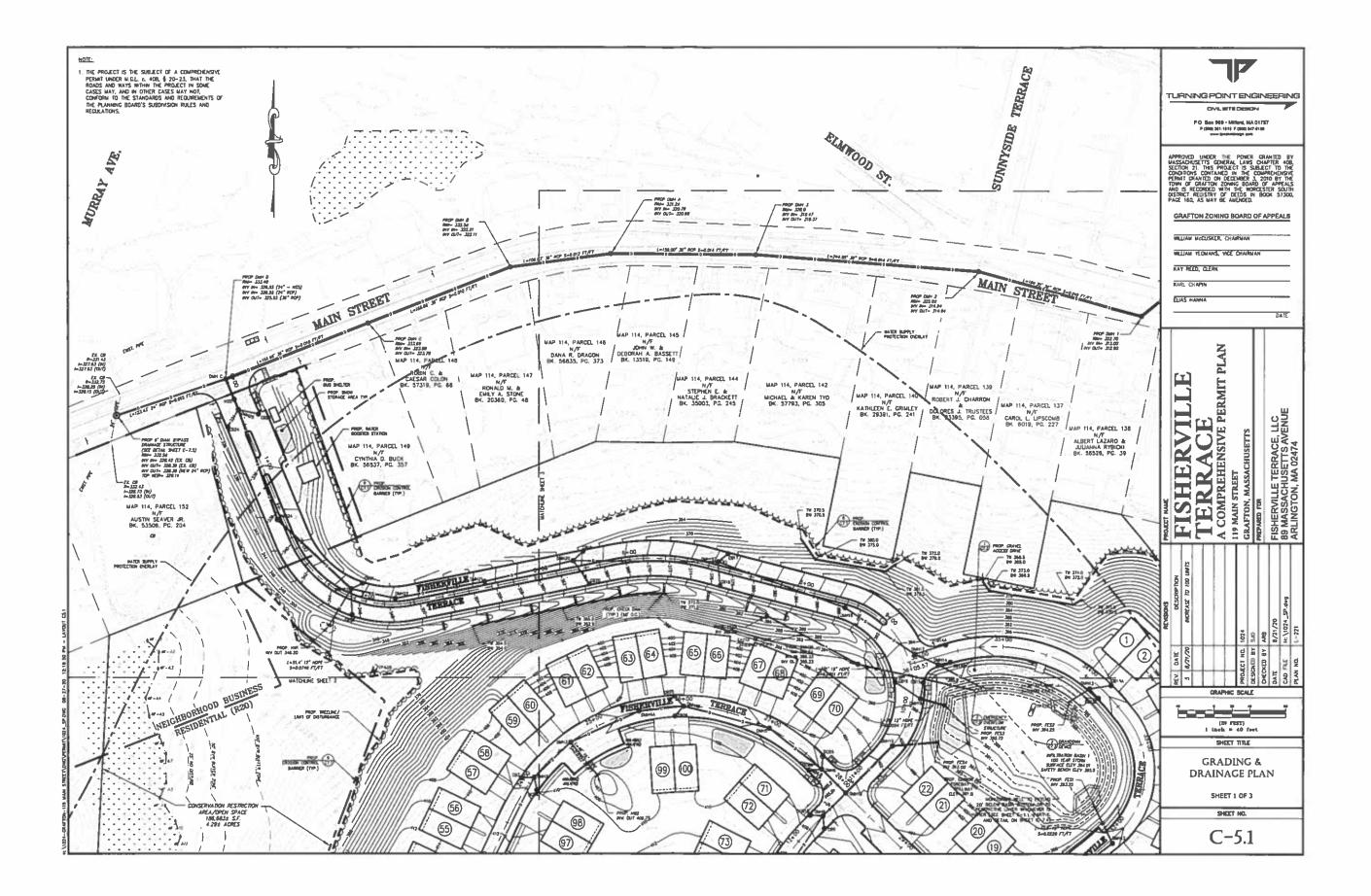
For the foregoing reasons, the Applicant's Notice of Project Change is approved subject to the foregoing conditions.

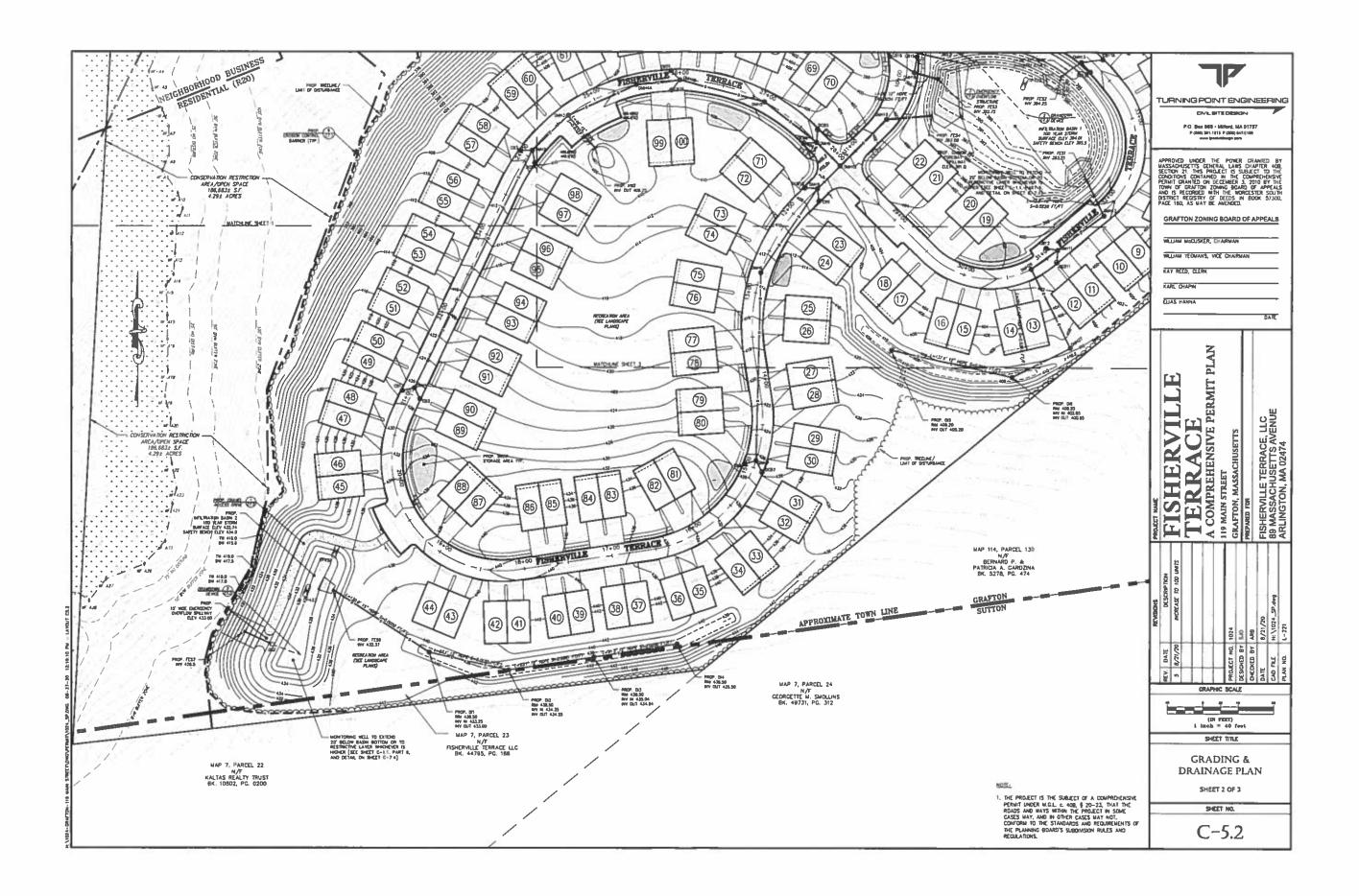
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Yes	Kay Reed C
Yes	Marianne Desrosiers

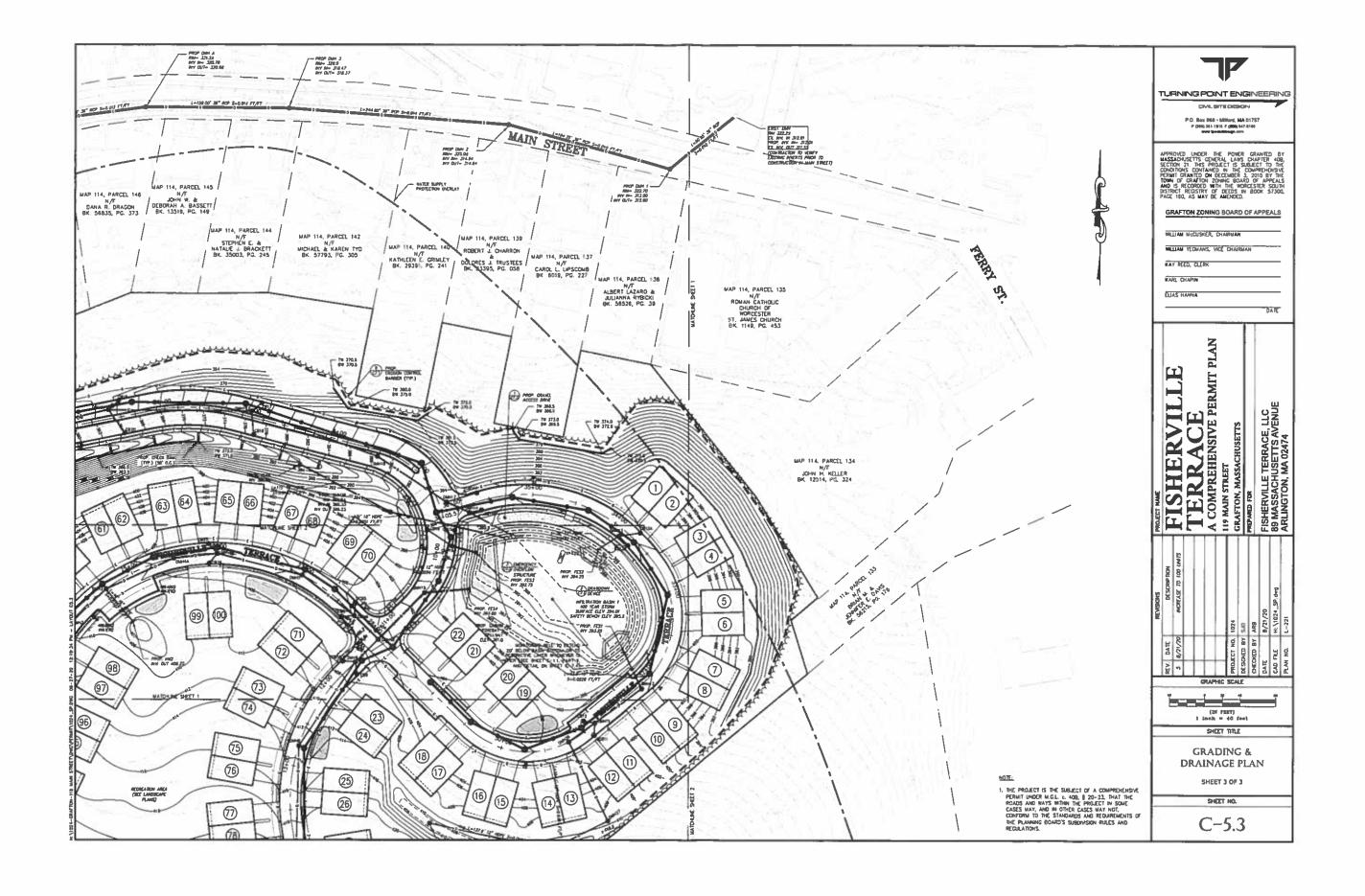










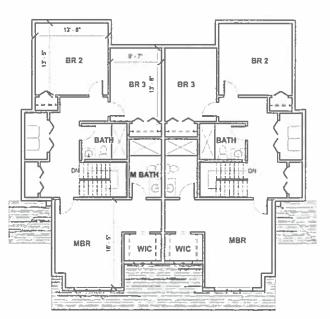


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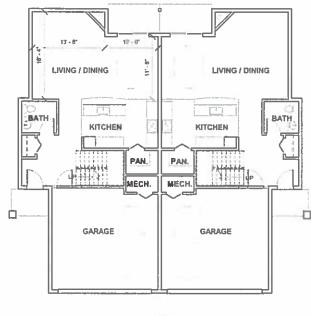
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Zoning Board of Appoals









UNIT A - 15T FLOOR PLAN

## FISHERVILLE TERRACE

Grafton, MA

DOWNHILL UNIT A

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WINSLOW ARCHITECTS INC

06.04.2020

89 MASSACHUSETTS AVE. ARLINGTON, MA 02474 P: 781 548 6600 F: 781 648 6601

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FISHERVILLE TERRACE

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DOWNHILL UNIT A

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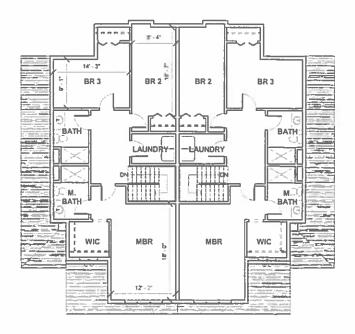
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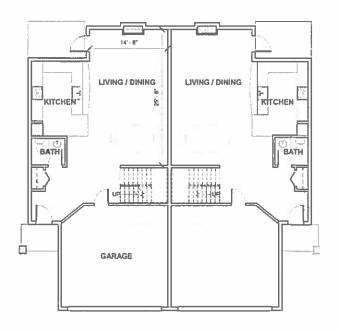
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3 UNIT B - 2ND FLOOR PLAN 1/8" = 1'-0"



2 UNIT 8 - 1ST FLOOR PLAN

## FISHERVILLE TERRACE

Grafton, MA

DOWNHILL UNIT B

Date issued.

06.04.2020



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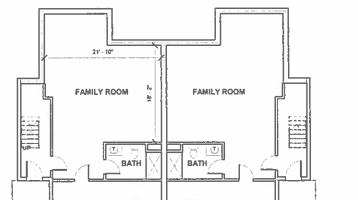
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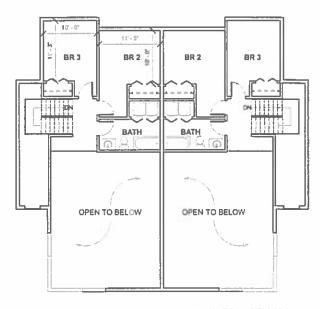
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2 UNIT C - LOWER LEVEL FLOOR PLAN

GARAGE



(4) UNIT C - 2ND FLOOR PLAN



## FISHERVILLE TERRACE

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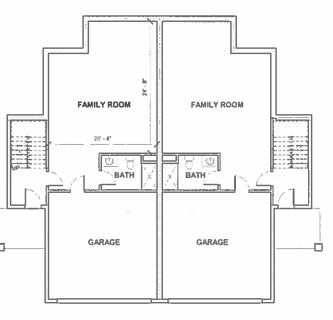
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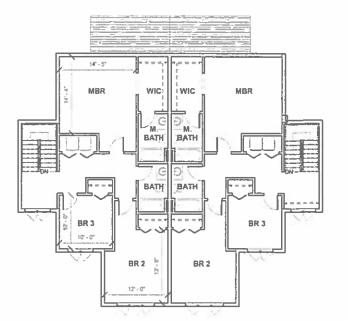
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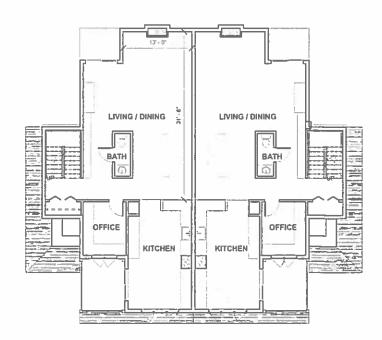




6 UNIT D - LOWER LEVEL FLOOR PLAN



8 UNIT D - 2ND FLOOR PLAN 1/8" = 1'-0"



7 UNIT D - 1ST FLOOR PLAN

## FISHERVILLE TERRACE

Grafton, MA

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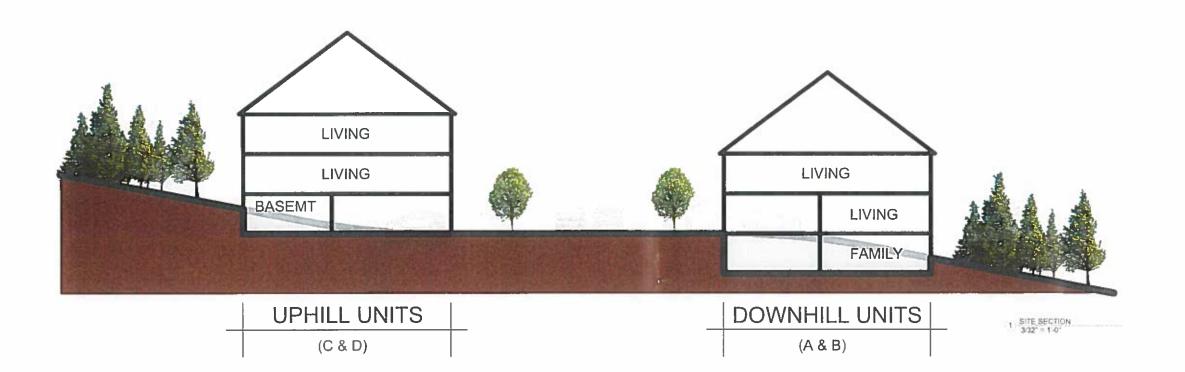
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FISHERVILLE TERRACE

Grafton, MA

TYPICAL SITE SECTION

DOWNHILL UNITS (A & B)

**PERSPECTIVE** 

Grafton, MA

06.04.2020



**FISHERVILLE** TERRACE

FISHERVILLE TERRACE

PERSPECTIVE A & B

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FISHERVILLE TERRACE



UPHILL UNITS (C & D)

# FISHERVILLE TERRACE

Grafton, MA

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